

Secretary to the Council: The title of the Bill is The Cochin Arecanut Markets Bill.

Mr. C. J. Mathew (Secretary to Government): Sir, in view of the desire expressed that the Bill be referred to a Select Committee, I propose that a Select Committee be appointed consisting of the Advocate-General, the Mover, Mr. P. Kumaran Ezhuthassan, Mr. V. R. Krishnan Ezhuthassan, Mr. K. Balakrishna Menon, Mr. Ipe and Mr. K. S. Panicker.

Mr. M. Sivarama Menon (Advocate-General): I second it.

Motion put and carried

The Cochin Government Savings Bank Bill

Rao Sahib P. V. Raphael (Comptroller of Finance and Accounts): Sir, I move that the Cochin Government Savings Banks Bill be read in Council.

Mr. M. Sivarama Menon (Advocate-General): I second it.

Rao Sahib P. V. Raphael (Comptroller of Finance and Accounts): As the Hon'ble Members are aware, we have started the Savings Bank system in 18 of our Anchal Offices and already we have got about 400 subscribers who have invested in it about Rs. 75,000. We have made provision for the repayment of their deposits, and certain other incidental matters. The Bill that is before the House is intended to provide legal sanction for the repayment of these deposits and such incidental matters. It closely follows the Government of India Savings Banks Act and the Bill that has been proposed by the Travancore Government. I request that the Bill may be passed by this House.

Motion put and carried

Secretary to the Council: The title of the Bill is The Cochin Government Savings Banks Bill.

Rao Sahib P. V. Raphael (Comptroller of Finance and Accounts): I request that S. O. No. 32 may be suspended and the Bill be taken into consideration now.

Mr. President: Yes.

Rao Sahib P. V. Raphael (Comptroller of Finance and Accounts): I move that, The Cochin Government Savings Banks Bill be taken up for consideration.

Mr. M. Sivarama Menon (Advocate-General): I second it.

Motion put and carried

Clauses 2 to 13 put and carried

Clause 1 put and carried

Title and preamble put and carried

Rao Sahib P. V. Raphael (Comptroller of Finance and Accounts): Sir, I move that the Cochin Government Savings Banks Bill be taken up and finally passed tomorrow.

Mr. M. Sivarama Menon (Advocate-General): I second it.

Motion put and carried

The Cochin Irrigation Act (Amendment) Bill

Mr. B. V. K. Menon (Secretary to Government): Sir, I rise to move that The Cochin Irrigation Act Amendment Bill be read in Council.

Mr. M. Sivarama Menon (Advocate-General): I second it.

Mr. B. V. K. Menon (Secretary to Government): Sir, the purpose of the Bill is to afford greater conveniences for those who follow the collective system of agriculture. It has been the complaint that, especially in kole cultivation, if one or two recalcitrant tenants in the midst of blocks of fields refuse to co-operate with the rest of the cultivators in the various processes of agriculture like bunding, draining of water, and such other matters, there will be considerable difficulty caused to the rest. Again a few can, sometimes do not contribute anything towards the work from which they themselves are benefitted and the other people will have to finance these works themselves and there is no way of easily realising the proportionate dues from these recalcitrant tenants. Therefore, provision is proposed to be made in the Irrigation Act by which in such cases on sufficient notice to the recalcitrant tenants or on the order of the Chief Engineer or such other officer as have been empowered by the Government, the works will be taken up

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by the Government direct, or by the other tenants and proportionate cost thereof recovered from the recalcitrant tenants. That is all the purpose of the Bill and it is also proposed that their share be recovered as arrears of revenue. I move that the Bill be passed by the Council.

Motion put and carried

Secretary to the Council : The title of the Bill is The Cochin Irrigation Act (Amendment) Bill.

Mr. B. V. K. Menon (Secretary to Government): I move that Standing Order 32 be suspended so that the Bill may be taken up for consideration now.

Mr. M. Sivarama Menon (Advocate-General): I second it.

Mr. K. S. Panicker (Ezhuvas-Trichur): The question being a complicated one, it is absolutely necessary to refer it to a Select Committee.

Mr. T. K. L. Kunjuvaried (Anthikad): I second it.

*മിസ്റ്റർ കെ. എസ്. പണിക്കർ : സർ, ഈ ബില്ലിന് ആവശ്യമായിട്ടുള്ളത് കോൾ വററി ക്ലബ്ബ് കരാറുകളെക്കുറിച്ചാണ്. ഇങ്ങിനെ വെച്ചു വെള്ളം വററിയിരുമ്പോൾ വിത്തുകൊണ്ടു വിതകുവാൻ ആളുകൾ വരും, എന്നാൽ വെള്ളം വററിക്കുന്നതിന്റെ ചിലവു വഹിക്കുവാൻ ആളുകളുണ്ടാകയില്ല. അതുപോലെ എല്ലാവരുംകൂടി ഇങ്ങനെ കെടുകൾ ആരെയും ഇടമെന്ന നിലയിലാണ് ഓരോ നിലമുടമസ്ഥന്മാരും വിചാരിക്കുന്നത്. കോൾ എല്ലാവരുംകൂടി ഒന്നിച്ചു വററിക്കേണ്ടതായതുകൊണ്ട് എല്ലാവരുംകൂടി അതിന്റെ ചിലവു വഹിക്കേണ്ടതാണ് എന്ന കാര്യത്തിൽ കൃഷിക്കാരുടെയിടയിൽ തർക്കങ്ങൾ ഉണ്ടാകാറുണ്ട്.

വെള്ളച്ചാലുകൾ രണ്ടുതരമുണ്ട്. എ.യം. ബി.യം. സാധാരണയായി ബി. ചാലുകളിലാണ് കെടുകൾ ഇടാറുള്ളത്. അത് എല്ലാ കോൾകൃഷിക്കാർക്കും ബാധകമല്ലെന്നുള്ള വാദം അവരുടെയിടയിലുണ്ട്. ആരുടെ നിലത്തെ രക്ഷിക്കുവാനാണോ ഈ കെട ഇടുന്നത് അർത്ഥമാണ് ഈ ചിലവു വഹിക്കേണ്ടത് എന്നുള്ള തർക്കം ആദ്യമുതൽക്കു ഉള്ളതാണ്. അതുകൊണ്ട് ഈ സംഗതിയിൽ ഒരു സെലക്ട് കമ്മിറ്റിയെ വെച്ചാൽ ഇതിന്റെ ആദ്യമുതൽക്കുള്ള സംഗതികൾ അവരോടു ചോദിച്ചു മനസ്സിലാക്കി ഈ കാര്യത്തിൽ ഒരു തീരുമാനം ഉണ്ടാക്കുവാൻ സാധിക്കും. അതില്ലെന്നുണ്ടെങ്കിൽ ഈ കഴപ്പം എന്നും തീരുകയില്ല. വെള്ളം വററിച്ചവൻ കയ്യിൽനിന്നു കാര്യ ചിലവുചെയ്തു വെറുതേ നടക്കേണ്ടിവരും. അതുകൊണ്ട് ഈ ബിൽ സെലക്ട് കമ്മിറ്റിക്കയച്ചു ഈ കഴപ്പങ്ങൾ തീർക്കേണ്ടതാണ്.

Mr. P. Govinda Menon (Ernakulam): Sir, we do not feel that there is any necessity that this Bill should go to a Select Committee and I hope that my friend Mr. Panicker will not press that motion. If it is pressed we oppose it. If it is necessary that this Bill becomes law as early as possible.

Mr. K. Balakrishna Menon (Cheruthuruthi): Sir, it appears to me that this is a very useful piece of amendment and my impression is that it can be made more useful by referring it to a Select Committee for the following reasons. From the statement of objects and reasons, it would appear that it is more concerned with kole cultivation, but there are other classes of equally important irrigation works, such as tanks, chiras, anicuts etc., especially in the northern parts of the State. I am afraid that the amendment as such is not capable of bringing these within the ambit of this amendment, and I may say that these tanks are tanks with abundant supply of spring water which are capable of feeding vast stretches of lands lying around these tanks. So that, I would very much like to see that these tanks also are included either by this Amending Bill; or some sort of legislation is brought into existence for their improvement. I would request the Hon'ble Members belonging to the Prajamandal Party to try to see whether it is possible to put this amendment into a Select Committee in order that sufficient provision may be made to make the Act applicable to the many tanks and chiras, especially in the northern parts of the Talappalli Taluk.

Mr. P. Kumaran Ezhuthassan (Vadakkancheri): Sir, I also support the motion for reference to a Select Committee. As observed already this legislation is intended for some beneficial purpose mainly to the Kole cultivators. Kole cultivators it is well known are cultivators of Kole lands and a good many of them have very small bits of land for cultivation but 90 per cent of the total area are in the hands of very rich and influential owners of lands with the

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* Speech not corrected by the Hon'ble Member.

result that these minor flies are always a victim to be eaten up by these bigger ones. What is proposed through this amendment is that if a whole area or for a particular area any piece of work is necessary to be done and it is to be done by the whole body of owners who are to be benefitted thereby and if some of them default to contribute their share or to do the work or contribute their labour, one who does the whole thing by himself or through a body of persons, get through the intervention of the particular officers appointed for the purpose the right to realise the proportionate cost thereof. The principle of course is acceptable and such things will have to be done but it is desirable that sufficient safe-guards for the power being not abused by the bigger owners are made in the Bill. It is not possible to go into details now. It requires deliberation, talk across the table and such things. That can be done in a Select Committee and in a Select Committee alone. Therefore, my respectful submission is that this Bill which is very useful in its conception may well go to a Select Committee to be reported at the earliest possible date. Of course the kole cultivation is now at the fag end and almost over and there is no hurry to have this Bill passed all at once. The operation is intended to be used for the next years cultivation. It applies to other irrigation areas also but mainly it is intended for the kole areas. Therefore, I support the motion for reference to the Select Committee.

Mr. M. Sivarama Menon (Advocate-General): Government propose to leave the motion regarding the reference of this Bill to Select Committee entirely in the hands of the House. But I will be failing in my duty if I do not bring to the notice of this Hon'ble House that the purposes for which the Hon'ble Member for Vadakkancheri wanted a reference of this Bill to a Select Committee are already served by the Prosecution of Eries Act which is on the Statute Book. The second point raised is that because the statement of objects and reasons refers to kole cultivators the House thinks that the scope of the Bill should be wider. The occasion for tabling the amendment arose when common works of irrigation failed to be carried out in the kole cultivable tract. The substantive amendment applies to all cultivation and not only to kole lands. The provision made is quite general in its terms. The statement of objects and reasons makes mention of kole cultivation as an illustration. That is only for the purpose of showing the necessity for the introduction of this Bill. Another point raised by Mr. Kumaran Ezhuthassan is that this requires cool deliberations because we have to curtail the powers given to the authority proposed to be constituted. There is already a provision for an appeal to the Government by the party aggrieved.

Mr. K. Balakrishna Menon (Cheruthuruthi): On a point of information, Sir, whether this will apply to poramboke chiras also?

Mr. M. Sivarama Menon (Advocate-General): As regards the poramboke chiras there is provision in the Irrigation Act and anybody can move the Government and use poramboke chiras for purposes of agriculture. That can still be continued and is their any instance where Government have closed a poramboke chal or chira which will injuriously affect agriculture. There is absolutely no such complaint.

Mr. K. Balakrishna Menon (Cheruthuruthi): In the case of poramboke chiras they automatically close by deposit of silt.

Mr. M. Sivarama Menon (Advocate-General): If any such thing happens Government will repair the chira for the benefit of the cultivators. Is it the intention to compel Government to do it by legislation? There has been no complaint which has not been attended to by Government. I am explaining these matters so that the House may be pleased to consider these aspects and then vote upon the question of reference to a Select Committee. We do not wish that the desire of the Members should be curtailed by a formal Government opposition. The preservation of Eries Act which has been passed as Act XXIII of 1120 satisfies the objection raised by Mr. Balakrishna Menon. The definition of Eri as given in that Act is that "an 'Eri' means a tank, well, canal or other reservoir used for the storage of water for purpose for cultivation and notified by Government in the Cochin Government Gazette as an Eri for the purposes of this Act". Therefore if any agriculturist has any case that such and such a tank or chira should be brought within the ambit of this Act, it is for him to move the Revenue Department to get them notified as Eries or chiras as coming within the definition of this Act. Keeping these things in mind I suggest that the House may be pleased to vote on this motion for reference to a Select Committee.

Mr. P. Govinda Menon (Ernakulam): Sir, three non-official members assert that this Bill should go to a Select Committee and I do not wish to be dogmatic on a matter like this especially when the Government themselves are not very dogmatic on the matter. It is better that the matter goes to a Select Committee.

Mr. K. S. Panicker (Ezhuvas-Trichur): The Select Committee may consist of the Advocate-General, the Diwan Peishkar, the Chief Engineer, Messrs. C. N. Ittiravi Nambudiri, T. K. L. Kunjuvareed, V. R. Krishnan Ezhuthassan, Thevanna Gounder and the Mover.

Motion put and carried

NON-OFFICIAL RESOLUTIONS

I. Abrogation of Proclamation II of 1120 (cont.)

Mr. P. Kumaran Ezhuthassan (Vadakkancheri): The resolution that was being discussed by the House when it rose last is that Proclamation II of 1120 which imposes a duty on betel nut be abrogated. The Hon'ble Mover has placed the facts before the House while introducing the resolution. I was on my legs when the House rose last supplementing his remarks. I was then saying Sir, that the only reason given by the Government for imposing this duty, which is indeed a most unjustifiable duty for the reason that there is already a tax on land on which this arecanut is grown and therefore it amounts to a double taxation which, of course, is objectionable under all canons of taxation, was that the Imperial Government had imposed such a taxation in British India and that unless this Government also impose similar taxation they would be levying an import duty at the same rate when Cochin Commodity is imported thereto. The Government argued that the position would be the same whether we impose duty or not. They made out a case for this levy here by pointing out that if the duty is levied here we get a rebate worked on a formula while we get absolutely nothing is betel nut imported to British India is subjected to an import duty. This British Indian levy which was intended to fall on the consumer of betel nut, it has been tacitly admitted, Sir, by our Government that really the incidence falls on the grower.

It was indeed a very glad piece of information to read from the papers when the Finance Bill was under discussion in the Central Assembly that the duty of two annas has been reduced to one anna. The Hon'ble Secretary to Government was hinting yesterday that he had his own share in the reduction. In that case I may inform the House that myself had also something to do with it. A corresponding reduction has not been made here yet it is not incumbent that it should be done. But let us concede the position that it will be reduced to one anna so as to fall in line with the Imperial Government. Even that one anna, if it is reduced to that, is an iniquitous tax for the simple reason that it is a double taxation. If the argument of the Government for imposing this taxation here was that unless the betel nut is taxed here the question of getting a rebate will not come in and therefore we will only be losers to the extent of the rebate. But from the formula given by the Government the way in which the formula is worked, if you have correct statistics you will be pleased to find, Sir, that we stand to get very little indeed. Actual facts and figures I am sure the Government is not in a position to give us because it is a duty which has been imposed recently and what actual rebate we have got for a particular period our Government may not be in a position to give us. I believe I am right. Will the Hon'ble Secretary enlighten me.

Mr. C. J. Mathew (Secretary to Government): Yes, you are right.

Mr. P. Kumaran Ezhuthassan (Vadakkancheri): Therefore I make this assertion before this House that the rebate that we are going to get is mighty little and therefore we can easily say yes to the threat of the Imperial Government, which after all is not going to last for long. Even if it is going to continue for sometime, can we very well say, yes to that threat. we may tell them, Sir, by all means impose an import duty when the commodity is taken there, for the simple reason that what you are likely to get is very little indeed indeed very little. One other thing is this. Now that the Imperial Government have reduced the duty to one anna in the pound naturally you will fall in line and even if the duty is collected at one anna you will have to keep the whole establishment with all the vagaries thereof and spend on them as much as you now spend when you are taxing at the rate of 2 annas. If the collection is reduced to one anna your total collection will be 50 per cent of what you are now collecting and you will be spending cent per cent of what you are now spending what therefore we will be contributing to the Imperial coffers will be only 50 per cent with the result that when worked at the known formula your rebate, imaginary rebate, will also be reduced by 50 per cent. So with all these things we are not going to gain anything, at any rate not much, by having this duty except trouble and annoy the arecanut grower to the extent that he is now being annoyed. So, Sir, for all the reasons stated by the Hon'ble Mover Mr. Ipe I submit, Sir, that this iniquitous piece of tax be done away with by abrogating Proclamation II of 1120 as may be abrogated since it is clear that we are not going to be losers to any great extent. Even if we are going to be losers slightly the benefit to